



**STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM  
PRESENTED BY DR. DAVID GIPP, PRESIDENT  
UNITED TRIBES TECHNICAL COLLEGE – BISMARCK, NORTH DAKOTA  
HEARING ON REAUTHORIZATION OF THE HIGHER EDUCATION ACT AND  
TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT  
SENATE COMMITTEE ON INDIAN AFFAIRS  
485 RUSSELL SENATE OFFICE BUILDING  
APRIL 12, 2007**

Chairman Dorgan, Vice Chairman Thomas, and distinguished members of the Committee, on behalf of this nation's 34 Tribal Colleges and Universities (TCUs), which comprise the American Indian Higher Education Consortium (AIHEC), I thank you for extending us the opportunity to testify. I am honored to be here.

My name is David Gipp, I am a member of the Hunkpapa Lakota tribe and for the past 30 years I have served as the president at United Tribes Technical College, which is located near Bismarck, North Dakota and serves Indian students from over 75 Federally recognized tribes across the nation.

United Tribes began as a residential employment training program and was called United Tribes Employment Training Center. Today, UTTC offers over 30 Associate degree and certificate programs, with five degrees being offered through online delivery. The college employs over 330 faculty, staff and administrators and serves over 1400 full- and part-time students.

The idea of tribally controlled institutions of higher education has spread rapidly throughout Indian Country, over the past 30 years. Today, despite decades of severe funding inequities and Federal budget cuts, there are 35 Tribal Colleges and Universities located in 14 states educating many thousands of full- and part-time students from over 250 federally recognized Indian tribes.

This morning, I would like to give you some background on the tribal college movement and to detail some specific issues and how they might be addressed during the 110<sup>th</sup> Congress reauthorization of the Higher Education Act (HEA) and the Tribally Controlled College or University Assistance Act – or Tribal College Act.

## **I. BACKGROUND: THE TRIBAL COLLEGE MOVEMENT**

Tribal Colleges and Universities (TCUs) are young, geographically isolated, and poor. Forty years ago there were no Tribal Colleges or Universities. Most TCUs are located in areas of Indian Country that the Federal government defines as extremely remote. We serve our communities in ways far beyond college level programming, and are often called beacons of hope for our people. We provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education programs. We function as community centers, libraries, tribal archives,

career and business centers, economic development centers, public meeting places, and elder and child care centers. In fact, an underlying goal of all TCUs is to improve the lives of students through higher education and to move American Indians toward self-sufficiency. This goal is important to us because of the extreme poverty in which most American Indians live. In fact, three of the five poorest counties in America are home to TCUs, where unemployment rates range from 50 to 75 percent.

We are the most poorly funded institutions of higher education in the country. And apart from the U.S. Military Academies and Howard and Gallaudet Universities, we are the only institutions of higher education whose basic operating budgets are funded – by legislative mandate – by the Federal government.

Most of our institutions are located on Federal trust land. Therefore, states have no obligation to fund tribal colleges. Most states do not even provide funds for the non-Indian state-resident students who account for 20 percent of our enrollments. Yet, if these same students attended any other public institution in the state, the state would provide that institution with basic operating funds. Ironically, TCUs are accredited by the same regional agencies that accredit state institutions.

Despite their strong support, our tribal governments are able to provide us with only modest financial support. Our tribes are not the handful of small and wealthy gaming tribes located near major urban areas; rather, they are some of the poorest governments in the nation. Only a handful of tribal colleges currently receive any revenue from tribal gaming. Gaming is not a stable or viable funding source for TCUs, nor should it be a factor when considering the funding of tribal colleges. And as you know, it is a very few casinos that are located in or near major urban areas that are realizing the vast majority of the highly publicized profits from Indian gaming.

Revenues from state run gaming operations far exceed revenues from Indian gaming. Although some form of gaming is legalized in almost every state, the Federal government has not used the revenue generated from state run gaming to justify decreasing Federal funding to state operated colleges or universities. The standards that apply to states and state operated higher education institutions should apply to tribes and tribal colleges. Unfortunately, it appears that this is not the case.

## **II. 110<sup>TH</sup> CONGRESS REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT AND HIGHER EDUCATION ACT**

### **(A) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT – Key Issues**

- **INSTITUTIONAL OPERATIONS & FORWARD FUNDING:** Despite trust responsibilities and treaty obligations resulting from the exchange of millions of acres of land, the Federal government has not, over the years, considered funding of American Indian higher education a priority.

Since 1981, when the Tribally Controlled College or University Assistance Act, or 'Tribal College Act' was first funded the number of tribally chartered institutions funded under Title I of said Act has quadrupled and it is expected that three to five additional institutions will be eligible for Tribal College Act funding in the near future. In addition to the increasing number of tribal colleges, enrollments of full-time Indian students have grown over 300 percent.

Despite the much appreciated increases that Congress has appropriated over the last several years, Tribal Colleges and Universities are chronically under-funded. Today, 26 years after the Act was first funded, the TCUs are receiving \$5001 per Indian student, just 80 percent of their authorized level. And if you factor in inflation, the buying power of this appropriation is \$1,337 LESS per Indian student than it was in the initial FY 1981 appropriation, which was \$2,831 per Indian student.

Clearly, an increase in the per Indian student authorized level is warranted and necessary and adjusting the new level to annual inflation is a way to keep the authority level from becoming a false measure of adequate funding.

On the face of it, the holdups due to impasses and the resulting continuing resolutions or even delays in the Department's distribution of operating funds after Congress makes them available, might seem easily remedied. However, the consequences have a cumulative effect that create even greater financial difficulties that grow exponentially, the longer the payments are left undistributed.

The stop gap measures, such as short term loans, that must be employed to keep tribal colleges operating only serve to further exacerbate the tenuous financial circumstances under which these institutions are continually forced to operate. The situations created by budget impasses or Department delays lead to strained relations with banking institutions and a lack of credibility with businesses in the colleges' respective communities. It creates a need to identify emergency lines of credit to secure daily operational cash flow. These lines of credit come with burdensome interest rates that immediately reduce the appropriated level of funding included in the final enacted bill.

Over the past several years, funding has not been available until well after October 1 of the relevant fiscal year. In FY06, although the Interior appropriations bill was signed into law in August, TCUs did not receive their operating funds until late November and December, several months into the academic year. This year, due to the protracted FY07 appropriations process, TCUs did not receive operating funds until February or March -- 4 to 5 months into the fiscal year and six months after our academic year begins. Delayed appropriations and less than timely distribution of funds, which are becoming the regular order, make it difficult to properly plan and project operation funding needs, hamstring long-range strategic planning, and force heavier reliance on grants and soft-money funding, which is a recurring concern of the accrediting agencies. In short, TCUs are forced into a credibility crisis with their faculty, staff, communities, and students. Forward funding of our institutional operations would go a long way to breaking this unfortunate cycle.

## **RECOMMENDATIONS:**

- **Increase the Authorized Institutional Operations Funding Level:** Tribal Colleges and Universities request that the Committee include an increase to the per Indian student authorized level for operations to "\$8,000 adjusted annually for inflation," in its bill regarding the reauthorization of the Tribal College Act.

- **Forward Funding:** No additional language is needed as the authority already exists in the Tribal College Act to forward fund the institutional operations of eligible TCUs. Tribal Colleges and Universities request that the Committee recommend that the Appropriations Committee and the Administration work to secure the one time appropriation needed to achieve forward funding in fiscal year 2009.
- **AUTHORIZING BIE FUNDING FOR TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS:** Navajo Technical College and United Tribes Technical College: United Tribes Technical College (UTTC) and Navajo Technical College (NTC) very much appreciate this Committee's including a Title V to the Tribally Controlled College or University Assistance Act during the reauthorization of said Act. The new Title would authorize Bureau of Indian Education (BIE) funding for our institutions. By establishing this authorization for the Tribally Controlled Postsecondary Career and Technical Institutions in the BIE it will lessen the likelihood that their funding will be considered an earmark, and may reverse the trend of the past six years of eliminating funding for our institutions in the President's annual budget.

The Board of Directors of the American Indian Higher Education Consortium approved a resolution on March 23, 2007 supporting the inclusion of a new title to the Tribal College Act to authorize institutional operating funds for UTTC and NTC provided that it would have no negative impact on funding of any tribal colleges currently receiving institutional operating funds from the Department of the Interior.

Under Titles I (24 tribal colleges) and II (Diné College) of the Tribal College Act each tribe may charter only one college to receive operating funds under the Act. UTTC is governed by a Board consisting of the Chairs of the five tribes located wholly or in part in North Dakota and each tribe represented on our governing board has a tribal college that receives funds under Title I of the Tribal College Act. It is for this reason that UTTC may not receive funds under the Tribal College Act. The same is true for NTC, as Diné College, which is chartered by the Navajo Nation, receives funds under Title II of the Act.

## RECOMMENDATION:

- **Authorization for Tribally Controlled Postsecondary Career and Technical Institutions:** The Board of Directors of the American Indian Higher Education Consortium approved a resolution on March 23, 2007 supporting the inclusion of a new title to the Tribal College Act to authorize institutional operating funds for UTTC and NTC provided that it would have no negative impact on funding the tribal colleges currently receiving institutional operating funds from the Department of the Interior. Tribal Colleges and Universities urge the Committee to work with the presidents of our two affected institutions in determining the details of language and implementation of the proposed new title.

## (B) HIGHER EDUCATION ACT – Key Issues

- **Department of Education - HEA Title III-A section 316:** Title III-A of the Higher Education Act supports minority and other institutions that enroll large proportions of financially disadvantaged students and have low per-student expenditures. Tribal colleges clearly fit this definition. TCUs fulfill a vital role by providing access to quality higher education programs to some of the most impoverished areas of the country. Their programs are specifically designed to focus on the critical, unmet needs of their American Indian students and communities, in order to effectively prepare their students for the workforce of the 21<sup>st</sup> Century. A clear goal of the Title III program is to improve the academic quality, institutional management, and fiscal stability of eligible institutions, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

TCUs are the youngest and least developed institutions of higher education in the nation. As such, they are the most in need of these funds yet, our funding level increases lag behind other programs, and we must struggle to submit competitive applications under the arduous requirements and volume of Title III Part A grants for the funds that are available. Many higher education institutions spend thousands of dollars on grant application preparation and submission. This is simply not an option for TCUs. In addition, the pool of eligible applicants for the TCU program is small and although new TCUs are emerging, the pool is expected to remain below 45 institutions for the foreseeable future. Creating a formula funded program would result in a win-win situation. Current applications submitted for Title III Part A competitive grants must have each of the required areas individually judged by application reviewers, by converting the TCU program to formula funding considerable administrative time and cost savings could be realized by the Federal government. For these reasons, the Department of Education supports formula funding for the Tribal College Title III development grants program.

### RECOMMENDATION:

- **Expand and increase authority for the Tribal Colleges and Universities' Title III-A Developing Institutions Program** – The Tribal Colleges and Universities request that the Committee include the language contained in Sec. 303 of S. 1614, reported from the Senate HELP Committee in the 109<sup>th</sup> Congress to formula fund the Tribal Colleges' 5-year developing institutions grants and also retain the critically needed construction grants that are competitively awarded on an annual basis, in its bill or any recommendations sent to the Senate HELP Committee regarding the reauthorization of the Higher Education Act.
- **Proposed Native American Serving, Non-Tribal Institutions Program:** In the 109<sup>th</sup> Congress, the Senate bill to reauthorize the Higher Education Act included a new Title III program for "Native American-Serving, Non-Tribal Institutions". Tribal colleges have serious concerns regarding this proposal -- but the underlying issue is one of equity.

Tribal Colleges and Universities have a special relationship with the Federal government, which is based on our status as extensions of the federally recognized Indian tribes that charter

us. Our tribes have binding treaties with the United States Government that include certain responsibilities, including education, in exchange for millions of acres of land. The reason the Tribally Controlled College or University Assistance Act exists -- and resources are allocated to tribally controlled colleges and universities -- is because of these treaties and the Federal trust responsibility. In short, this is solely a political, and not race-based, distinction. Funding of tribal colleges and universities raises no affirmative action issues. This Native American Serving, Non-Tribal Institutions proposal, however, does.

Additionally, the vast majority of tribal colleges has open enrollment policies. Approximately 20 percent of our enrollments are non-Indian students and these students receive the same education opportunities as enrolled tribal members. However, the tribal colleges and universities cannot include anyone who is not an enrolled member of a federally recognized tribe in their student count that is used to determine their institution's operating budget. There are no parameters for determining Native American students under the proposed American Indian Serving Institutions. Native American students would simply be determined by self-reporting, there is no definition of parameters to determine what constitutes a "Native American".

Tribal colleges receive little, or as in many cases no, institutional operating funds from the state for either the Indian or non-Indian state residents who attend a tribal college or university. State supported institutions that would be eligible to receive funding under this proposed Native American Serving Institution Title III program already count their American Indian students, as well as non-Indian state residents, when tallying their institution's student count for determining their allocation of funds from the state.

Further, there is no practical way of separating out funds going to improve education opportunities for Native Americans within these state institutions. As noted earlier, these institutions already receive funding for the education of their Native American students. This program would just result in creating a source of additional funds for state supported institutions to increase their basic operating and program budgets -- without any means for measuring its effect on Native American students.

## RECOMMENDATION:

- **Proposed Title III-A Native American Serving, Non-Tribal Institutions Program:** As a matter of equity and for the reasons noted earlier in this statement, the Tribal Colleges and Universities respectfully request that the Committee on Senate Indian Affairs oppose the establishment of a new Title III-A program for so-called Native American Serving, non-Tribal Institutions.

## III. CONCLUSION

Tribal Colleges and Universities bring high quality, culturally relevant higher education opportunities to thousands of American Indians. The modest Federal investment in the TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this

investment makes sound moral and fiscal sense. Tribal colleges need stable funding sources and competent agency administration of our various programs to sustain and grow those programs and achieve our missions.

We greatly appreciate the long standing support of this distinguished Committee. Thank you for this opportunity to present our views and recommendations to help achieve equality in higher education and economic opportunities in Indian Country through the nation's Tribal Colleges and Universities.